

REMARKS/ARGUMENTS

Status of the Claims

Upon entry of the present amendment, claims 74-97 are pending. Claims 74-84 are amended. Claims 7 and 25-73 are canceled without disclaimer or prejudice to renewal. New claims 91-97 are added.

Claims 74-84 are amended to remove the term "backbone."

Claims 78 and 79 are amended to change their dependencies.

Claims 79-83 are amended to track the language set forth in Table 1 on page 26 of the specification.

New claims 91-97 find support, for example, on page 51, paragraphs [0144-0145] and in Table 1 on page 26. Applicants are presently in the process of depositing the pBHT1 vector, and will provide the certification of deposit upon receipt.

No new matter is added by the present amendments, and the Examiner is respectfully requested to enter them.

Response to Requirement for Species Election

In response to the requirement for election of species, Applicants elect a self-protein associated with multiple sclerosis (MS), and in particular, myelin basic protein (MBP). Applicants submit that claims 74-81, 84-94 and 97 read on the elected species.

Applicants further understand that upon allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. § 1.141.

pVAX1™ Sequence Error

As part of the clinical regulatory process associated with the clinical trial of a self-vector comprising a polynucleotide encoding myelin basic protein (MBP), Applicants discovered that the published nucleic acid sequence of pVAX1™ (SEQ ID NO:297), a starting vector purchased from Invitrogen and used by Applicants in the creation of the self-vector, pBHT1,

differs from the nucleic acid sequence determined by Applicants. In addition to sequencing pBHT1, Applicants sequenced Invitrogen's pVAX1™ vector, which was used as the starting material to create pBHT1, and identified the following differences at positions 2-4, 241, 2092, 2493 and 2969 as compared to the sequence published by Invitrogen:

Position (bp)	pVAX1™ as published	pVAX1™ as sequenced
2-4	ACT	CTG
241	C	G
2092	A	(no base)
2493	C	T
2969	G	C

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Reply to Office Action of February 13, 2009

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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